App.F.IX-4

1925.

File No. 222-25

Previous References (Courts

Serial Nos. 1 - 2

Later references.
do 39-27 (1-4).

PRESERVED

Present

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two

Part B for May 26.

SUBJECT

Addendum et corrigendum to the Criminal Rules of practice re the preservation records in Summary trials and the abolition of the Register no II (Summary trials).

Gorap. 5662 dt 5-5-26

Home Regr Chief Court

sanctions the recommendation.

M Dungar
19/5/26.

G. R. S. 11] 1925.26

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 2 22-25

FILE HEADING.

Addendum et corrigendum to the Criminal Rules of Practice & the preservation of records in summary trials and the abolition of Register no II (summary trials)

From

The Regr. Chief, Court.

No. 677 Dated 25-3-1926 Received 26.3.26

Diary No. 3782	Enclos. 2 Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that according to the present rules all records in summary trials have to be preserved either for 20 years or 3 years as the case is either non-bailable or bailable respectively and that the period of preservation in non-bailable cases appears to be too long and that it may be curtailed to 10 years and that Regr no II (summary trials) may well be abolished as the columns in that Regr are all except one found in Regrs no 12 & 1 with suitable alterations and requiring sanction to the accompanying addenda et corrigenda to the Criminal Rules of Practice effecting the necessary changes.

NOTES AND ORDERS.

Send with draft for orders

3/ 27/3/26 Apr 29/3

1) Please put up the Madras Criminal Rules of Practice referred to in the Regr's letter

3) Sent with the Madras Criminal Rules of Practice. The appendix referred to is in page 173

2/4

5 3/4

NOTES—First Sheet.

4/ 5/4/26 Apr 6/4

4) Please put up the rules of practice ~~Section~~ of 1878 referred to in the Regr's letter

2/4

5/4

WD 01264—GPB—40,000—17-12-25
App. F. III—2]

General and Revenue Secretariat

CS File No. 222 of 1925-26

Serial No.

Q+R.

5

Spare Copies of the Rules of Practice are not available. The Headings of these Rules of Practice have been copied from the Chief Court file and the rest are contained in the Criminal Rules and orders Vol I & II

15/4/26 6) There are two proposals made by the Chief Court:

(1) In the reference to destruction of records..... Kind reference is invited to pages 109 & 110 Vol I Criminal Rules & orders. Under Appendix I (6) the period for destruction of records in non Bailable Cases is 20 yrs resulting in conviction of accused is 20 years.

7) Under (i) Magistrates in Bailable Cases resulting in conviction & (k) Cases in which the accused are acquitted or discharged - the period is 3 years.

8) In Madras for Summary trials two periods are fixed viz 10 & 3 yrs respectively (H : C).

9) The proposal is to adopt the Madras Rule. The reasons urged are that in Madras there have been no applications from the Police for extracts of Judgments and (2) Magistrates are not likely to take into consideration previous convictions more than 10 years old in Summary Cases.

NOTE—Contn. Sheet

Serial No

10) It is not clear whether reasons which apply to Nagpur: the D.G. P. and the Magistrates of the State have not been consulted.

11) (2) The second proposal is for the abolition of Register No. II relating to summary trials. Please see para 169 vol II Criminal Rules & orders. It is stated that particulars required by this register are contained in registers No I & III except that the plea of the accused Column 10. The Register No II is therefore considered unnecessary & entailing clerical work. It is therefore proposed to abolish Register II and enter in Register I in Column 17 Sentence — the plea of the accused also —

12) Orders sought for appl on the orders

(Regd) 13) (1) may be done.

Noted in fair draft

NOTE— Contn. Sheet

WD 01264—GPB—40000—17-12-25

General and Revenue Secretariat

File No. 2 22 of 1925.

Serial No. 2

To The Regtr Chief Court
ROP 5662. 8/5.5.26.
Sanctions the recommendations.

11/5

NOTE—Contn. Sheet

39833

1 3782 / P 925

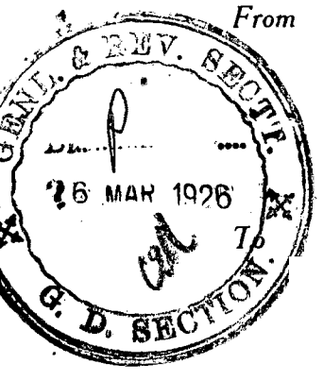
Telgm:
"JUSTICE"

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore....25th..March..***1926*** .

R. O. C. No. 677 / 26 Encl

Ct. 222-25-1



From

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

To

B. NAGAPPA, Esq., Bar-at-Law.,
Secretary to Government,
Local & Legislative Depts.,
B A N G A L O R E.

26/3

Sir,

I am directed to invite reference to Appendix I of - Criminal Rule of Practice No.86 dated 12th April 1913 (Page 109 of General Rules and Orders - Criminal - Volume I) under which the A files of criminal records resulting in the conviction of the accused in non-bailable cases have to be preserved for 20 years, while in bailable cases resulting in conviction and in cases in which the accused has been acquitted or discharged for three years.

I am to observe that the present rules are defective and have not taken into account the records of cases tried summarily by Magistrates under Section 260 Cr. P. C., which now apparently must fall under the general category of bailable and non-bailable cases. The classes of cases which can be tried summarily are set forth in Section 260 Cr.P.C. and they cannot be said to be more important or serious than bailable cases resulting in conviction. A period of 20 years for the preservation of records in summary trials appears to the Chief Court to be unnecessarily long and may with advantage be curtailed to a period of 10 and 3 years respectively as in the Madras Presidency.

A

A consultation with a few District Magistrates in the Madras Presidency shows that as it is only offences of a trivial nature that are as a rule tried summarily, no difficulty has been felt in the working of the Madras rules (Vide C Appendix II, page 203 Madras Criminal Rules of Practice, Second Edition 1925). It is also understood that there have been no applications from the Police for extracts of judgments in such cases after a lapse of 10 years, to prove previous conviction. It may be observed that Magistrates are not likely to take into consideration previous convictions more than 10 years old in summary cases as a spotless life for 10 years may be said to have wiped out the previous conviction if any. I am therefore to request that the Government may be pleased to sanction the accompanying addendum to the present Rule of Practice ~~and~~ with a view to specifically fix the period for the preservation of records in summary trials.

In this connection it is also considered that it is unnecessary to have a separate register for summary trials and that Register No.II (Vide page 19 of General Rules and Orders - Criminal - Volume II) may be abolished. The present practice is for all complaints to be entered in Register No.XII (Register of complaints - Vide page 28, General Rules and Orders-Criminal - Volume II) and the cases in which processes are ordered to the accused are transferred to Register No.I. Such of the cases as are tried summarily are subsequently entered in a separate register - Register No.II.

This procedure appears to involve unnecessary clerical work as most of the information contained in Register No.II except the prisoner's plea Column 10

can

can be obtained from the entries in the Complaint Register No.XII and Register No.I. It is unnecessary to have a separate register of summary trials and the present Register No.I may be a combined register for both regular and summary trials since every one of them is a case instituted in a particular court and the difference if any is only a matter of procedure during the trial.

It may be observed that under Sections 263 and 264 Cr.P.C. the only record of summary trials is the form prescribed by the Government containing the required particulars and this form will be in the hand-writing of the Magistrate himself.

I am accordingly to request that Government may be pleased to sanction the accompanying corrigendum embodying the recommendations set forth above.

I have the honour to be,

Sir,

Your most obedient servant,

Theeniosalagundan
25/3/26

REGISTRAR.

TKV.

2731

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IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Criminal Side

Corrigendum dated the .....
.....1926 to Rule of Practice No.5 dated the 12th June 1878.

***

The Chief Court directs that

(1) Register No.II (Summary Trials) prescribed under the Rule of Practice be abolished and that complete entries in respect of cases tried summarily, both for statistical and other purposes be furnished in Register No.I itself, noting the plea of the accused also in - column "sentence" of Register No.I; and (2) all references to Register No.II made in the Rule of Practice be expunged.

Registrar. 25/3/26.

BKC.

2732 5

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Criminal Side.

Addendum dated the 1926
to Rule of Practice No.86, dated the 12th April 1913.

The Chief Court directs that the following be added, after the note to proviso to clause (L), as clause (m) to appendix I :-

Summary trials :-

(A). Forms kept under Section 263 of the code of Criminal Procedure and Judgment recorded under Section 264 in cases where either (1) some of the accused or parties proceeded against have not been apprehended, or (2) the accused or any of them have been convicted of an offence a repetition of which renders the offender liable to whipping or to enhanced punishment ...10 Year

(B). All other records ... ... 3 Year

Registrar. 25/3/26

MRN.

Proceedings of the Govt.of H.H. the Maharaja of Mysore.

CB 222-15-2

R e a d;--

Letter No.ROC.577 dated 25-3-26 from the Regr.Chief Court, stating that according to the present rules the 'A' records in summary trials have to be prescribed either for 20 years or 3 years according as the case is nonbailable or bailable respectively, that the period of preservation for 20 years in nonbailable summary cases appears to be too long and may be curtailed to 10 years and that Register No II(Summary trials) appears also to be unnecessary as all the columns in that Register are found in registers Nos.12 and I except the column Prisoners plea which can be noted in Register No I in column 17 (sentence) and requesting sanction to the accompanying addenda et corrigenda to the Criminal Rules of Practice No.86 dated 12-4-1913 which is in conformity with the Rule of Practice inforce in the Mad Presidency and to Cr.Rule of Practice No dated 12-6-1878 abolishing Register No.II and making the necessary alteration in Register No.I.

O r d e r,No- P 5662(2) 5/5/26

In the circumstances explained by the Registrar in his letter, Government are pleased to sanction the recommendations.

For Secy.to Govt.L.L.Depts.

The Registrar, Chief Court.

TD